



TITLE: REGULAR MONTHLY BOARD MEETING MINUTES

DATE: OCTOBER 1, 2019

1. ATTENDANCE:

Chairman Stuart Christian called the October 1, 2019 meeting to order at 8:00 AM at the District Office. Other managers present were Clayton Bartz, JJ Hamre, Dan Vesledahl, and Roger Hanson. One staff member was present April Swenby – Administrator. Others in attendance included Zach Herrmann – Houston Engineering.

2. APPROVAL OF THE AGENDA:

A **Motion** was made by Manager Hanson to approve the agenda, **Seconded** by Manager Bartz, **Carried**.

3. MINUTES:

Discussion was held on language used on page 6. Minor changes in the language that was used in the draft minutes was clarified and modified.

A **Motion** was made by Manager Bartz to approve the presented minutes from the September 3, 2019 meeting with the above listed changes, **Seconded** by Manager Vesledahl, **Carried**.

4. TREASURER'S/FINANCIAL REPORT:

As a reminder, the new MN Statute require that the district, in November, add an agenda item for truth and taxation information, offering a second comment period. Levies cannot be raised, but they can be lowered. Additionally, ditch levies will be set in November.

Swenby read the Treasurer's Report. It was noted that on the report presented, the bank statements were not received thus the bank accounts have not been reconciled. A **Motion** was made by Manager Vesledahl to approve the Treasurer's Report for September, pending reconciliation, **Seconded** by Manager Hanson, **Carried**.

The managers reviewed their expense reports and reported on activities for the month. The following bills were reviewed:

Anderson, Bottrell, Sanden & Thompson	302.50
April J. Swenby	523.16
Brady & Martz	10,965.00
Christianson Custom Service	150.00
City of Fertile	52.15
David Sundheim	45.00
EcoLab	50.00
Fertile Hardware Hank	9.62
First Community Credit Union	684.94
Garden Valley Telephone Company	209.27

Houston Engineering	28,482.24
Marco	908.10
Minkota Technologies	670.10
Otter Tail Power Company	112.63
Rinke-Noonan	600.00
Sarah Wise	55.00
TOTAL	<u>43,819.71</u>

A **Motion** was made by Manager Hamre to approve and pay the bills, **Seconded** by Bartz, **Carried**.

5. ENGINEER'S REPORT

City of Beltrami: Upon conversations with Swenby, Herrmann was informed that there is an interest in the City of Beltrami for flood protection (more details are in Swenby's report). Herrmann stated that he has inquired within about the process for applying, noting that in the past a preliminary plan for the other cities was about \$15,000 for a high-level conceptual design. The preliminary plan is not eligible for grant funds.

It was questioned if a ring dike would alleviate landowners from paying flood insurance. Herrmann stated that it would if it is accredited, a Lomar is completed and gives certifiable protection.

Swenby and Herrmann will meet with the City to determine their level of commitment.

Sand Hill River Expansion: Spruce Valley is contracted for the additional riffles. Work is scheduled to begin late this week or early next week. The completion date is set for November 1, 2019.

Kittleson Creek Outlet: The original completion date is September 25. Due to supplier issues, the completion will be extended to October 25. The culvert installation is planned for this week. Liberty Township will be contacted with the existing culvert is removed as they'd like to try to salvage the culvert.

Sand Hill Lake Outlet: A bid opening/award is planned for during the November board meeting. The managers were provided the final plans.

BWSR Clean Water Fund Grant Opportunities: Herrmann asked the board for guidance regarding a restoration west of County road # 44. This is not an option that meets the criteria for the LSOHC monies.

LSOHC: This spring Swenby, Herrmann and members of the MNDNR toured multiple sites. The Poissant bridge is the best candidate for the LSOHC money. The board is open to pursuing this as an option.

Targeted Watershed Demonstration Program: Houston Engineering is currently working with the contractor and landowners to coordinate access to the coulee. Construction is planned for post-harvest to prevent damages to cropland. An option could be to pay damages to the landowners for crop land in an effort to begin construction now. A **Motion** was made by Manager to pay up to \$500 but recommends \$450 per acre if it is needed to access the project this year, **Seconded** by Manager Hamre, **Carried**. The total grant amount was \$790,000 and Herrmann is unclear of the amount spent by the SWCD.

RCCP Planning Process: A review of the purpose, cost, and current status of the study was held. Herrmann suggests a sub committee to review the alternatives that would be presented to the project team. Manager Vesledahl and Manager Hamre volunteered to serve on a committee to discuss alternatives after the harvest.

Polk County Ditch 80: The contractor will start at the downstream (west end of the project and progress upstream (east). They began the end of September and they will begin installing culverts tomorrow with earth work starting this week, pending weather. Three crews are scheduled.

Ditch Spraying: Houston Engineering is reviewing the billing.

Union Lake Sarah Pump: During the permitting process for closing the open ditch system, the MnDNR has noted that it appears the channel was constructed below the OHW for Lake Sarah. This creates issues because placement of a pipe will require fill below the OHW elevations. Houston Engineering is working with the MnDNR to determine the best way to address this. Herrmann has provided specs for manager review.

Verdell Olson Dam: The managers reviewed the plan and profile sheet of the survey that was conducted.

6. ADMINISTRATOR REPORT:

Administrator Calendar: Swenby highlighted her calendar for October.

MAWD: The MAWD annual meeting is scheduled in Alexandria on December 5 – December 7. The meeting agenda and session topics are were given to the managers. Three additional rooms have been reserved, as they fill up fast. The managers discussed the option of asking Wilkens to attend MAWD, or the RRBC conference in January. Swenby noted she will be absent from the RRBC conference in January, and it might be a better option to have a watershed representative at that conference should the managers chose to send Wilkens. This discussion was tabled.

Mapping GIS System: The district GIS mapping system update that was approved a couple of months ago is making progress. The managers were provided a link to review and provide comments.

Vesledahl Wetland Mitigation: A tour with Senator Mark Johnson and various landowners was held September 18 with Jeff Bratager, Manager Vesledahl, Travis Fuchs, and LeRoy Johnson.

LID Meeting: Swenby attended the September LID meeting and provided meeting materials to the managers. The term of Lonnie Paradis has expired. The new chairman is Shannon Brekke and the new vice-chair is Jodi Bachand.

The LID is interested in making a pump site for fire trucks to pump water from and would like to explore using the pumping site as a multipurpose site. Swenby has contacted the DNR to see if the LID can use the permit for the pumping station and add on a dry hydrant portion or if they need to apply for a dry hydrant permit. Houston Engineering is researching if the existing set up for the pumping station is feasible to use as a dry hydrant. Also questioned by the LID was the ownership of the pump site land. Steve Vesledahl owns the land and an easement could not be found. Manager Christian suggested checking abstract.

At the meeting Swenby asked them to engage in a discussion regarding maintenance inspection records of the pump and screen and records of when the pump is tested along with the airburst checks. Along with that discussion was the possibility of hiring someone to perform these routine checks. The LID also discussed levy options for this upcoming November. They are also considering amending their bylaws to include another board member, giving Lake Sarah two board member representation. It was also noted that the gage signs are up. Photos were provided.

Union Lake Easements:

- Anderson Trust: The paper work has been sent to the landowners for signatures in August.

Swenby followed up with the Louise Anderson who had surgery the 2nd week of August and was unable to get it signed beforehand. She is home bound and will be for several months. While she can sign it, she cannot get it notarized at this time. Swenby has arranged for a notary from HE (Maple Grove office) to make a house visit to get the document signed so that the LID can move forward.

- Jack Doyle: Jack Doyle's easement has been signed by the landowner and has been recorded. Doyle's payment will be released when the recorded easement is received from the Polk County Courthouse.
- Steve Ness: Steve Ness's easement has been signed by the landowner and has been recorded.
- Lake Sarah Outlet: A purchase agreement has been negotiated between two landowners for the remaining easement. Swenby was told that a purchase agreement was to be signed as of the end of September. When the land is sold the district can work with the new landowner to obtain an easement in exchange for closing the open ditch system.

Governance 101 Training: Swenby attended the Governance 101 Training in Bloomington and provided conference materials to the managers. Swenby noted that much emphasis was placed on Data Privacy.

LSOHC Reimbursement Training: LSOHC Reimbursement Training was held via Skype on September 25.

RRBC ExOfficio Meeting: Swenby attending the ExOfficio meeting of the RRBC on September 5, 2019 and provided meeting materials to the managers.

MN Water Festival: Swenby represented the Sand Hill Watershed at the MN Water Festival for grades 4 in the watershed booth for area schools in Fertile on September 26.

Permit Database: The new online permit entry form the district just implemented was determined out of date with IOS updates. Houston Engineering made some revisions so that users are able to input their data. Houston Engineering has advised the district not to worry too much about mobile bugs. This was the first one the programmer has seen with Dojo (the software used to create the online form) in 5 years that would have required a full upgrade to resolve natively.

Pest Elimination: EcoLab services has been contacted for pest control (insects, mice, etc.)

Bear Park Beaver Trapping: Beaver activity is expected to increase during the fall/lower water times. Swenby met with the trappers in September. They will take a tour in September to help maintain the progress that's been made on the beaver population this spring. They will continue to be proactive.

There was a beaver dam reported on the Sand Hill Ditch. Swenby has contacted the beaver trappers to begin trapping in the reported area.

Rock Riffles/Drop Structure: The managers were provided a draft evaluation form for the Sand Hill River projects that the MnDNR visited earlier this summer. These evaluations are what will be presented to the Restoration Evaluation Panel soon. After the panel meeting the evaluation will be summarized and published in their 2019 report, put on our program website, and used in future communications to improve Legacy funded restorations in the state.

Ditch Maintenance: L&M has reported that the brush spraying is complete. As of September 18, they were waiting for 1 calm day to finish cattails. Swenby has contacted JC&J Trucking to clean Project # 12, repair the scour hole on Project #12, and repair the field sluffing on Project # 17. He plans to begin in October.

A letter is provided to Hammond township responding to their concerns regarding flows breaking out of Project # 17 during high flows. A **Motion** was made by Manager Hanson to send the letter as presented, **Secoded** by Manager Bartz, **Carried**.

Building Project: Houston Engineering has been contacted to take care of spot elevations.

Notary: Last month the district managers asked Swenby to look into becoming a notary and if it might be a conflict as the only employee notarizing SHRWD documents. Two attorney opinions: John Kolb stated that there is no problem with staff notarizing the signatures for documents of the WD – provided the legal and ethical obligations of the notary commission are followed, noting that staff just cannot notarize their own signature. Dave Hauff cautioned against staff being the notary for SHRWD documents. Manager Vesledahl suggested asking the people who do the certification of the notary. The managers agreed that if Swenby is able to notarize district documents, the district authorizes her certification.

City of Fosston: Swenby provided district comments to the request of the City of Fosston on their environmental review to assess the environmental impacts of a proposed wastewater facility expansion project.

Abentroth Ditch Plug/Project # 24: It was reported that the ditch plug has been removed/damaged by a mower. A site visit is scheduled for this afternoon.

Nielsville Ring Dike: Herrmann and Swenby will meet with Bill Brekke today to review the plans presented.

Project # 5 Seeding: A tour is scheduled for this afternoon to verify that seeding was established.

Farmstead Ring Dike Funding: Before the district sought funding from the RRWMB, the landowner that the district had in mind for a ring dike stated they were interested in the program and verified that the potential cost associated with the ring dike was verified. An application for funding was submitted to the RRWMB for their September meeting. At the meeting the RRWMB accepted the proposal for a 50% cost share for the State of MN ring dike funding. The project must be completed, and all costs incurred by June 30, 2020, leaving the district responsible for 25% of the cost, and the remaining 25% is the landowners obligation. Unfortunately, on September 24, the district was notified that the landowner is no longer interested.

Pre-Construction meetings: Pre-Construction meetings were held for Ditch 80 and Kittleson Creek. The notes/minutes were provided to the managers. The Sand Hill River Grade Stabilization Ph 2 preconstruction meeting is scheduled for October 2 at 1 PM.

Sand Hill Lake Dam: The Joint Powers Agreement between the MnDNR and the district was signed and submitted. A copy was provided to the managers.

Targeted Watershed Demonstration Grant: Discussions have begun regarding the additional Targeted Watershed Dollars and feasible locations to place those dollars. Swenby will be meeting with Bret Arne and Rachel Klein on October 3 to determine if the Brady Kroenig site that was visited last year is a feasible location for the excess grant dollars.

FDRWG: A meeting is scheduled in October with Andrew Graham at the district office to update Graham about Sand Hill watershed projects and activities, including any needs or issues involving MnDNR and FDRWG. Graham is the new “Dan Thul” – the Red River Basin Coordinator.

Section 1 & 2 – Reis Township: A landowner has asked for district direction regarding a township culvert crossing of what is said to be an abandoned township road. The landowner has asked for advice regarding the financial responsibility for the removal of the crossing. The landowner states

that the culvert (which is plugged) would drain the water west, which is in Project # 20. However, this parcel is assessed into project # 17. If the culvert is unplugged or a new one is replaced, Herrmann stated there would not be an issue from the watershed, because the water would run through Maple Creek and into Project # 17, of which the landowner is assessed. Swenby will advise the landowner to apply for a permit.

City of Beltrami Ring Dike: A landowner and a City Council member has contacted the district to request that flood protection be revisited for the City. Using 2010 data, a publicly-owned capital flood risk reduction project in Beltrami would limit the local share to $0.02 \times \$43,281$ (median household income) $\times 42$ (households) = **\$36,356**. The Census data has not been developed for 2020. If the city has not identified a project but is in need of a study or other analysis to establish a project, the state bond funds cannot be used. The City will need to fund that on their own, or in partnership with the WD.

Bear Park – spillway maintenance: Houston Engineering has been asked to review the spillway to ensure that the grade was reset back to the original design. It appears that the spillway elevation over the road is low about 0.5' +/-.

A **Motion** was made by Manager Bartz to leave the spillway as it is at .5' lower, **Seconded** by Manager Hamre, **Carried**.

Manager Compensation Policy: John Kolb has provided comments on the draft Compensation Policy. Kolb has cautioned the district for using the “opt out” of PERA option. PERA has told the district that because district managers are appointed under an elected governing body and because the district managers have voting authority, the board has the choice to opt out of PERA if annual income is more than \$5,100 per year. As appointed/elected/governing bodies, they are not eligible for a coordinated plan. PERA states that the district must complete and return a Membership Election by Public Officials form as membership choices must be in writing. PERA has noted Statue 353.01 Subd.2b (a)(23), MN Statute 353.01 subd6, and MN Statue 353D.01 Subd2 (a)(9). Kolb questions PERA’s knowledge of watershed districts stating that managers are mandatory participants as employees if they make more than \$5,100 per year. PERA has reviewed our attorney comments and still stands by the legality of the district choosing a DCP plan and opting out of PERA. PERA will be modifying their policy language clarify the directions for watershed district’s to move forward. PERA is confident that the eligibility laws for appointed governing-body members enacted in 2010 which can be found in the Minnesota Session Laws of the 2010 Regular Session under Chapter 359, Article 5, Section 3., and are enough clarification.

Each manager has decided to opt of the DCP plan with PERA.

A **Motion** was made by Manager Vesledahl to approve the compensation policy with the attorney’s recommendations, **Seconded** by Manager Hanson, **Carried**.

Corn Stalks/District Rules on Obstructions: The attorney has provided a letter for the enforcement of corn stalk debris plugging the ditch systems on Project # 24 and a step by step process for enforcement. Additionally, he has provided recommendations for our Rules and Regulations. A **Motion** was made by Manager Vesledahl to send the revised letter as presented as revised by the attorney, **Seconded** by Manager Bartz, **Carried**.

7. OTHER BUSINESS

Chairman Christian asked Swenby to follow up on the culvert installation in Liberty Township at the start of Project # 20.

Partnering agency reports were provided to the managers.

8. PERMITS:

The managers discussed the new process of Houston Engineering reviewing all of the permits that come forth to the district. The managers agreed this is a good practice to continue with.

Six permits are presented to the board. Houston Engineering has reviewed the permits. A Motion was made by Manager Vesledahl to approve the following permits and implement the noted conditions on each permit, **Seconded** by Manager Bartz, **Carried**.

- **Permit 2019-021:** Pheasants Forever, Section 24 – Rosebud Township, Wetland restorations
 - This permit was tabled from last month. Houston Engineering has made a more in-depth review and has provide location maps that call out the elevations for the wetland restorations. It has been determined that there are not any issues with the proposed activities with regard to the SHRWD. Houston Engineering reviewed the design wetland elevations compared to the elevation that these basins would then break into the SHRWD, and it appears about 6' +/- between the wetland overflow to the north vs the breakout elevation south into Sand Hill.

It is recommended that the permit be approved and noted that this is all water that now flows to the RLWD, and not into the SHRWD. As a suggestion, it is recommended that the applicant apply for a permit from the RLWD, as most of the work is proposed within their watershed.

- **Permit # 2019-25:** Pat Todahl, Section 13 – Liberty Twp., Clean existing ditch
 - It is recommended to approve as long as the work does not remove clay or virgin soils or alter the original alignment, depth or cross-section of the drainage way.
- **Permit # 2019-26:** Polk County Highway Dept. Section 36 – King Twp: Install Culverts
 - Houston Engineering has sized the culverts, but noted that the proposed work must be compliant with 103D. The approval of the permit does not relieve the county of their obligations of 103D, and is contingent upon following MN Statute.
- **Permit # 2019-27:** Dan Wilkens, Section 6 – Garfield Twp. Replace and resize/lengthen culvert
- **Permit # 2019-28:** Harold Balstad, Section 21 – Sletten Twp, Install an erosion control structure.
 - Houston Engineering has reviewed this with LiDAR to ensure that the berms wouldn't back water up onto the neighbors. Downstream flow issues were not noted, and it was recognized that by design these structures may reduce downstream flows.
- **Permit # 2019-29:** City of Fertile, Section 29 - Garfield Township, Void and replace crossing.
 - Houston Engineering recommends putting in a culvert in the new crossing using the same size as the one that is being removed.

Permit # 2019-14 - Landsverk: Last month Polk County confirmed that the permit they applied for was set to .56' below ditch grade. After conversations with the county, they were referring to permit # 2019-11, not 2019-14. Permit 2019-14 was reported by a landowner that the County had set that pipe 1' below grade. The county has confirmed that the legal ditch grade is 1234.67 and the Pipe Flow Line is 1234.67. As per the instructions from last month Swenby has reached out to the attorney to determine the district obligations for culverts set below grade without preauthorization. Based on the rules and regulations of the district, it is not specific. Statute is grey regarding lowering a culvert 1/2 '. The attorney recommends approving the request as an amendment to the permit. Dave Hauff has recommended that the district rules be revised. The attorney recommends informing the county that all grade changes be listed on the permit during the application process.

A Motion was made by Manager Vesledahl to accept the amendment of permit 2019-14 and accept the grade change of the culvert, **Seconded** by Manager Bartz, **Carried**.

9. **ADJOURNMENT:**

The next regular meeting will be held Tuesday, November 5, 2019 at 8 AM. As there was no further business to come before the board, a **Motion** was made by Manager Hanson to adjourn the meeting at 11:25 AM, **Seconded** by Manager Bartz, **Carried.**

April Swenby, Administrator

JJ Hamre, Secretary